

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**FAX RECEIVED**

MAR 06 2008

In re application of:

Mahesh Girkar

Application No.: 09/852,008

Filed: May 10, 2001

Title: DISASTER RECOVERY WITH BOUNDED DATA LOSS

Attorney Docket: 4191110228

Art Unit: 2168

Examiner: Debbie M. Le

**OFFICE OF PETITIONS****PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. § 1.313(c)(2)**

MAIL STOP 313(c)  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Applicants hereby petition to withdraw the above-identified application from issue under 37 C.F.R. § 1.313(c)(2) and request that the request for continued examination filed herewith be considered. Filed herewith is a Request for Continued Examination, an Amendment, and the Petition fee set forth in 37 C.F.R. § 1.17(h).

Applicants petition to withdraw the application from issue in order to have a Request for Continued Examination, which is being filed concurrently with this petition, considered.

Applicants paid the issue fee on February 4, 2008. The issue fee and publication fee in the amount of \$1440.00 was paid from the deposit account of 50-4047 (19111.0228).

Accordingly, a credit of \$1440.00 is due to representative's account. Copies of Part-B Fee(s)

Transmittal and Post-card date stamped by USPTO are attached.

03/10/2008 CKHLOK 00000002 504047 09852008

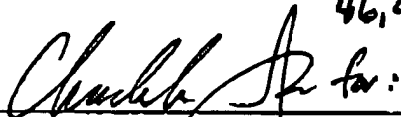
01 FC:1464 130.00 DA

A separate sheet for the Petition fee of \$130.00 due under 37 C.F.R. § 1.17(h) is attached.

The undersigned authorizes the Commissioner to charge insufficient fees and credit overpayment associated with this communication to Deposit Account No. 50-4047, 19111.0228.

Respectfully submitted,

Date: March 6, 2008

 46,495  
\_\_\_\_\_  
Michael A. Schwartz  
Registration No. 40,161  
Attorney for Applicant  
Bingham McCutchen LLP  
2020 K Street, NW  
Washington, DC 20006  
Telephone: (202) 373-6000

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
 or Fax (571)-273-2885

MAR 06 2008

**INSTRUCTIONS:** This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

11/02/2007

**DITTHAVONG & CARLSON, P.C.**  
 Suite A.  
 10507 Braddock Rd  
 Fairfax, VA 22032

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**  
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,008	05/10/2001	Mahesh Girkar	50277-1003	4137

TITLE OF INVENTION: DISASTER RECOVERY WITH BOUNDED DATA LOSS

APPL. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$0	\$0	\$1440	02/04/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
LE, DEBBIE M	2168	707-202000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).  
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, Bingham McCutchen LLP  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2  
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Oracle Corporation

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Redwood Shores, California

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☒ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☒ Advance Order - # of Copies 1

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number: 50-4047 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Siddhesh V. Pandit

Date

2/4/2008

Typed or printed name

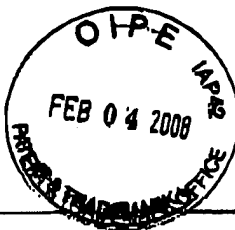
Registration No. 58,572

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FAX RECEIVED

MAR 06 2008



Attorney: Slo Pandit  
 Due Date: February 4, 2008  
 Date Submitted: February 4, 2008

Atty. Docket No. 19111.0228  
 Applicant(s): M. GIRKAR et al.  
 Title: DISASTER RECOVERY WITH BOUNDED DATA LOSS  
 Application No.: 09/852,008 Filing Date: May 10, 2001  
 Patent No.: \_\_\_\_\_ Issue Date: \_\_\_\_\_  
 Trademark: \_\_\_\_\_ Trademark Reg. No: \_\_\_\_\_  
 Opposition/Cancellation No: \_\_\_\_\_

The following items were received from Bingham McCutchen LLP, Washington, D.C.,  
 by the U.S. Patent & Trademark Office:

**COPY**

☒ Transmittal Letter  
 \_\_\_\_\_ Petition for Extension of Time  
 \_\_\_\_\_ Fee Transmittal  
 \_\_\_\_\_ Recordation Form Cover Sheet  
 \_\_\_\_\_ Executed Assignment  
☒ Issue Fee Transmittal (duplicate)  
 \_\_\_\_\_ Response to First Office Action  
 \_\_\_\_\_ Request for Oral Hearing  
 \_\_\_\_\_ Confirmation of Hearing Petition  
 \_\_\_\_\_ Letter Under 37 CFR 1.28 (c)  
 \_\_\_\_\_ Maintenance Fee Transmittal  
 \_\_\_\_\_ TM Statement of Use  
 \_\_\_\_\_ Declaration Under 8  
 \_\_\_\_\_ Declaration Under 8 and 15  
 \_\_\_\_\_ TM renewal Application  
 \_\_\_\_\_ TM Notice of Appeal  
 \_\_\_\_\_ TM Response to Office Action  
 \_\_\_\_\_ Postcard  
☒ Other: Response under 37 CFR 1.312

**U.S. PTO FEES**

☒ Issue Fee  
 \_\_\_\_\_ Publication Fee  
 \_\_\_\_\_ Late surcharge fee for filing  
 of executed Declaration  
 \_\_\_\_\_ Additional Independent  
 Claim Fee  
 \_\_\_\_\_ Petition Fee  
 \_\_\_\_\_ 8 Affidavit Fee  
 \_\_\_\_\_ TM Renewal Application Fee  
 \_\_\_\_\_ Notice of Opposition Fee

☒ The Office is hereby  
 authorized to charge any  
 necessary fee or credit any  
 over payment to Deposit  
 Account 50-4047.

**DOCKETED**

1/30/08

A/72405364.1/4019111-4191110228

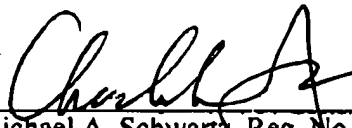
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: **Maresh GIRKAR**Attorney Docket No: **419111.0228**Application No.: **09/852,008**Group Art Unit: **2168****FAX RECEIVED**Filed: **May 10, 2001**Examiner: **Debbie M. LE****MAR 06 2008**For: **DISASTER RECOVERY WITH BOUNDED DATA LOSS****OFFICE OF PETITIONS****CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that the following correspondence for Application No. 09/852,008 is being sent via facsimile to the United States Patent and Trademark Office at (571) 273-0025 (official fax number) on March 6, 2008.

1. Transmittal (1 page);
2. Fee Transmittal (w/duplicate) (2 pages);
3. Petition Fee Under 37 CFR 1.17(f)(g) & (h) (w/duplicate) (2pages);
4. Petition To Withdraw From Issue Under 37 CFR § 1.313(c)(2) with copies of Part B Fee(s) Transmittal filed 2.4.2008 and USPTO stamped Post card filed 2.4.2008 (4pages)
5. Request For Continued Examination (RCE) Transmittal (w/duplicate) (2pages)
6. Amendment in relation to Request For Continued Examination
7. Certificate of Transmission (1 page)

Total Pages Submitted: 19

 46,425 for:  
Michael A. Schwartz, Reg. No. 40,161  
BINGHAM McCUTCHEN LLP  
2020 K Street N.W.  
Washington, DC 20006-1806  
202.373.6000 Telephone  
202.373.6001 Facsimile

PTO/SB/21 (10-07)  
Approved for use through 10/31/2007. OMB 0851-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

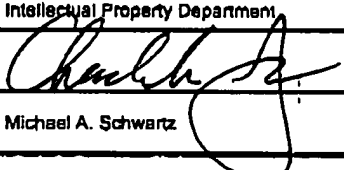
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/852,008	
	Filing Date	May 10, 2001	
	First Named Inventor	Maresh GIRKAR	
	Art Unit	2168	
	Examiner Name	Debbie M. LE	
Total Number of Pages in This Submission	19	Attorney Docket Number	419111.0228

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MAR 06 2008

OFFICE OF PETITIONS

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Withdraw From Issue Under 37 C.F.R. § 1.313(c)(2) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition Fee Sheet Under 37 CFR 1.17(h) Copy of Part-B Fee(s) Transmittal and Postcard dated stamped by USPTO.
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	BINGHAM MCCUTCHEN LLP Intellectual Property Department	
Signature		
Printed Name	Michael A. Schwartz	
Date	March 6, 2008	Reg. No. 40,161

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (10-07)

Approved for use through 06/30/2010. OMB 0851-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4816).

# FEE TRANSMITTAL for FY 2008

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)**840.00**

Complete if Known

Application Number 09/862,008

Filing Date May 10, 2001

First Named Inventor Mahesh GIRKAR

Examiner Name Debbie M. LE

Art Unit 2188

Attorney Docket No. 419111.0228

FAX RECEIVED

MAR 06 2008

OFFICE OF PETITIONS

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) :

☒ Deposit Account Deposit Account Number: 50-4047(4191110228) Deposit Account Name: Bingham McCutchen LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	310	155	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

### 2. EXCESS CLAIM FEES

#### Fee Description

Each claim over 20 (including Reissues)

Fee (\$)

Small Entity

Fee (\$)

Each independent claim over 3 (including Reissues)

50

25

Multiple dependent claims

210

105

370

185

Total Claims

Extra Claims

Fee (\$)

Fee Paid (\$)

Multiple Dependent Claims

18

-20 or HP=

0

x

=

Fee (\$)

Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims

Extra Claims

Fee (\$)

Fee Paid (\$)

3

- 3 or HP=

0

x

=

HP = highest number of independent claims paid for, if greater than 3.

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

Fee Paid (\$)

- 100 = / 50 = (round up to a whole number) x


### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): Request for Continued Examination (\$810) and Petition to Withdraw from Issue (\$130) 940.00

### SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	40,161	Telephone	202-373-8000
Name (Print/Type)	Michael A. Schwarz	Date	March 6, 2008		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17p (01-08)

Approved for use through 03/31/2008, OMB 0661-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**  
(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	09/852,008	FAX RECEIVED
Filing Date	May 10, 2001	
First Named Inventor	Mahesh GIRKAR	MAR 06 2008
Art Unit	2188	
Examiner Name	Debbie M. LE	OFFICE OF PETITIONS
Attorney Docket Number	419111.0228	

Enclosed is a petition filed under 37 CFR 1.313c2 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(l), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-4047 (419111.0228):

☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☐ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.36(e) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.89 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.298 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 6.26 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.18(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Michael A. Schwartz

Typed or printed name

March 6, 2008

Date

40,161

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**COPY**

PTO/SB/17p (01-08)

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**  
 (Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
 P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	09/852,008
Filing Date	May 10, 2001 <b>FAX RECEIVE</b>
First Named Inventor	Mahesh GIRKAR
Art Unit	2188 <b>MAR 06 2006</b>
Examiner Name	Debbie M. LE
Attorney Docket Number	419111.0228 <b>OFFICE OF PETITION</b>

Enclosed is a petition filed under 37 CFR 1.313c2 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-4047 (419111.0228):

☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☐ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$\_\_\_\_\_ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.63(a) - to accord a filing date.
- § 1.67(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(a) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.69 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.138(b) - for review of a request for extension of time when the provisions of section 1.138(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(e) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 6.12 - for expedited handling of a foreign filing license.
- § 6.15 - for changing the scope of a license.
- § 6.26 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.18(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.81 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue
- § 1.314 - to defer issuance of a patent.

Michael A. Schwartz

Typed or printed name

Signature

March 6, 2008

Date

40,181

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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